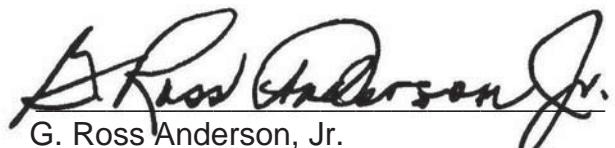


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

United States of America,)
) C/A No.: 6:09-cr-00566-GRA-5
)
)
)
 v.) ORDER
) (Written Opinion)
 Jimmy Davis, Jr.,)
)
)
 Defendant.)
 _____)

The Defendant moves this Court to “instruct the public [defender] assigned to [him] to assist [him] in the filing of the motion required for the relief based on substantial assistance.” ECF No. 467. There is no constitutional right to counsel in conjunction with Rule 35 proceedings. See *United States v. Taylor*, 414 F.3d 528, 536 (4th Cir. 2005). Also, there is no statutory right to counsel on a Rule 35 motion. See *United States v. Perry*, No. 05-CR-101, 2007 WL 2209253, *1 (E.D. Wis. July 27, 2007) (“A post-conviction motion for a reduction of sentence under Rule 35 does not constitute an ancillary matter within the meaning of [18 U.S.C.] § 3006A(c).”) (citing *United States v. Tidwell*, 178 F.3d 946, 949 (7th Cir. 1999); *United States v. Whitebird*, 55 F.3d 1007, 1010–11 (5th Cir. 1995)). Further, the court declines to exercise its discretion to appoint counsel. The motion is DENIED.

IT IS THEREFORE ORDERED that Defendant’s Motion for Appointment of Counsel is DENIED.



G. Ross Anderson, Jr.
Senior United States District Judge

March 17, 2015
Anderson, South Carolina